

1 Robert A. Mittelstaedt (SBN 060359)
 Jason McDonell (SBN 115084)
 2 Elaine Wallace (SBN 197882)
 JONES DAY
 3 555 California Street, 26th Floor
 San Francisco, CA 94104
 4 Telephone: (415) 626-3939
 Facsimile: (415) 875-5700
 5 ramittelstaedt@jonesday.com
 jmcdonell@jonesday.com
 6 ewallace@jonesday.com

7 Tharan Gregory Lanier (SBN 138784)
 Jane L. Froyd (SBN 220776)
 8 JONES DAY
 1755 Embarcadero Road
 9 Palo Alto, CA 94303
 Telephone: (650) 739-3939
 10 Facsimile: (650) 739-3900
 tglanier@jonesday.com
 11 jfroyd@jonesday.com

12 Scott W. Cowan (Admitted *Pro Hac Vice*)
 Joshua L. Fuchs (Admitted *Pro Hac Vice*)
 13 JONES DAY
 717 Texas, Suite 3300
 14 Houston, TX 77002
 Telephone: (832) 239-3939
 15 Facsimile: (832) 239-3600
 swcowan@jonesday.com
 16 jlfuchs@jonesday.com

17 Attorneys for Defendants
 SAP AG, SAP AMERICA, INC., and
 18 TOMORROWNOW, INC.

19 UNITED STATES DISTRICT COURT
 20 NORTHERN DISTRICT OF CALIFORNIA
 21 OAKLAND DIVISION

22 ORACLE USA, INC., et al.,
 23 Plaintiffs,
 24 v.
 25 SAP AG, et al.,
 26 Defendants.

Case No. 07-CV-1658 PJH (EDL)

**DECLARATION OF BERND MOTT
 IN SUPPORT OF DEFENDANTS'
 RESPONSE TO PLAINTIFFS'
 ADMINISTRATIVE MOTION TO
 FILE DEFENDANTS' DOCUMENTS
 UNDER SEAL**

Date: N/A
 Time: N/A
 Courtroom: E, 15th Floor
 Judge: Hon. Elizabeth D. Laporte

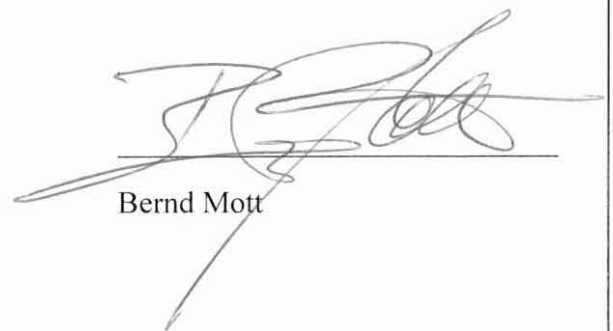
1 I, BERND MOTT, declare:

2 I am a Senior Controller, Global Controlling—Strategic Planning and Portfolio
3 Management of SAP AG, one of the Defendants in this case. I make this declaration based on
4 personal knowledge and, if called upon to do so, could testify competently thereto.

5 1. I am familiar with the information contained in Defendants' Response to
6 Plaintiffs' Fourth Set of Interrogatories to TomorrowNow, Inc. and Third Set of Interrogatories to
7 Defendants SAP AG and SAP America, Inc., Interrogatory 69. That interrogatory asks "how
8 each Defendant analyzes, projects, models, or otherwise calculates the value...of a customer to
9 any Defendant..." Defendants' response to this interrogatory describes current business
10 practices that are non-public information, specifically, the manner in which SAP assesses (or does
11 not assess) potential revenue streams from existing customers. Public release of this information
12 could adversely effect SAP's future bargaining position with customers. Because of the
13 competitively sensitive financial data contained in the document, the disclosure of it could likely
14 cause competitive and business injury.

15 I declare under penalty of perjury under the laws of the United States and the State of
16 California that the foregoing is true and correct. Executed this 26th day of October 2009 in
17 Walldorf, Germany.

18
19
20
21
22
23
24
25
26
27
28



Bernd Mott